

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of :
 EBRAHIM REZAI ET AL. :
 Serial No. 09/171,049 : Group Art Unit 1771
 Filed October 12, 1998 : Examiner: C. Pratt
 For: ABSORBENT ARTICLES HAVING :
 IMPROVED STRUCTURAL :
 STABILITY IN DRY AND WET :
 STATES AND MAKING :
 METHODS THEREFOR :

DECLARATION OF EBRAHIM REZAI

The Commissioner for Patents
 Washington, D.C. 20231

Dear Sir:

I, Ebrahim Rezai, of 5422 East Galbraith Road, Cincinnati, OH, the undersigned, declare as follows:

All statements made herein are true to the best of my knowledge, or, if made upon information and belief, are believed to be true.

I am a graduate of the University of Missouri-Columbia, located in Columbia, Missouri, having received a Doctor of Philosophy degree in Organic Chemistry from that institution in 1980. Since 1985, I have been employed by The Procter & Gamble Company of Cincinnati, Ohio, assignee of the present application, where I am currently a Section Head responsible for adhesives and elastics raw materials.

I am a co-inventor of the present application. Accordingly, I am familiar with the subject matter, including the Claims of the present application.

I am also a co-inventor of and am familiar with the technology disclosed by US 5,849,405 ('405 patent), inventors, Lin Wang, Ebrahim Rezai and Yumiko Hayashi, Titled: Absorbent Materials Having Improved Absorbent Property and Methods for Making the Same.

Column 13, lines 29-36, of the '405 patent read as follows:

"The hydrogel forming absorbent polymers can also comprise mixtures with low levels of one or more additives, such as for example powdered silica, surfactants, glue, binders, and the like. The components in this mixture can be s (sic) physically and/or chemically associated in a form such that the hydrogel-forming

polymer component and the non-hydrogel-forming polymer additive are not readily physically separated."

The development effort leading to the '405 patent was intended to develop structures which, upon wetting, aggregated with resulting improved mechanical stability. During work on the '405 patent, we did not experimentally evaluate microfibers and there was no contemplation of their use as binders at that time. Based on my experience in this area, glue microfibers would not be an appropriate means of binding in the product of the '405 patent, since they will bond the hydrogel-forming polymer to themselves in the dry state, while the intent was that there be no binding in the dry state but rather upon wetting.

I have reviewed the Official Action on the above-referenced case, dated September 10, 2001, where the Examiner quotes the following excerpt from the '405 patent:

Column 16, lines 38-43:

"The absorbent core comprises at least one of the above described absorbent materials. In a preferred embodiment, the absorbent core is one of the above described absorbent members. Preferably, the absorbent core further comprises a substrate web wherein the absorbent material is attached to the substrate web."

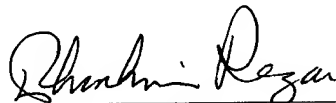
Again, there was no contemplation during work on the '405 patent of the use of microfibers to bind absorbent material to a substrate web.

Further declarant sayeth not.

This declaration is made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and may jeopardize the validity of the above-captioned patent application or any patent issuing thereon.

11/12/01

Date



Ebrahim Rezai

18 U.S.C. §1001 Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals or covers up by any trick, scheme, or advice a material fact, or makes any false, fictitious or fraudulent statement or representation, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement.